Mr. Basavalingappa's Mysore Housing Board (Amendment) Bill is there. The official resolution and the Municipal Taxation (Mysore Extension) Bill come last.

MUNICIPAL TAXATION (Mysore Extension) BILL 1973

MOTION TO CONSIDER [DEBATE CONTD]

MR. DEPUTY SPEAKER : The official resolution will be taken up afterwards. About the Municipal Taxation (Mysore Extension) Bill, the general discussion is already over. It has to be put to vote. I will now put the motion to the House.

The question is :

"That the Municipal Taxation (Mysore Extension) Bill, 1973, be taken into consideration."

The motion was adopted

Clauses 2 and 3

There are no amendments. I will straight away put Clauses 2 and 3 to the vote of the House.

The question is :
That clauses 2 and 3 do stand part of the Bill.

The motion was adopted

Clauses 2 and 3 were added to the Bill

SRI T. R. SHAMANNA : I have sent an Amendment this morning.

MR. DEPUTY SPEAKER : I have not received it. Clauses 2 and 3 are already put to the vote of the House. The hon. member will please resque his seat. I am going to explain it.

SRI T. R. SHAMANNA : I have given the amendment in time. I have taken an acknowledgement also

MR. DEPUTY SPEAKER.—When I just mentioned that the general discussion is over and that I will take up this Bill for consideration, the member could have said that he has sent an amendment. When I said I will take up Clause by Clause consideration, at least, the hon. member could have stood up and said that he had an amendment. If he had done so, I could have taken an oral amendment, if necessary.

SRI M. S. KRISHNAN : Technically, you are correct. There is another technical matter.....

SRI KAGODU THIMMAPPA.—When the member has given a notice of amendment to the office, where has it gone ?

MR. DEPUTY SPEAKER :—I have made it very clear when I said it has been taken up I said 'motion is adopted and I will take up Clause by Clause,' If he had then stood up and said that he had an amendment, I would have asked him to send it to me.

ಶ್ರೀ ಕಾಗೋಡು ತಿಮ್ಮಪ್ಪ : ಮಾನ್ಯ ಶ್ರೀ ಶಾಮಣ್ಣನವರು ಎದ್ದು ಹೇಳಲಿಲ್ಲವೆಂಬ ಕಾರಣಕ್ಕಾಗಿಯೇ ಅವರ ತಿದ್ದುಪಡಿಯನ್ನು ಈಗ ತೆಗೆದುಕೊಳ್ಳುವುದಕ್ಕಾಗುವುದಿಲ್ಲವೆಂದರೆ ಹೇಗೆ ? ಆ ರೀತಿಯಾಗಿ ಮಾಡುವುದಕ್ಕಾಗುದಿಲ್ಲ. ಅವರ ತಿದ್ದುಪಡಿಯನ್ನು ಈಗ ತೆಗೆದುಕೊಳ್ಳಬೇಕು.

ಉಪಾಧ್ಯಕ್ಷರು : ತಮ್ಮ ತಿದ್ದುಪಡಿ ನಮ್ಮ ಕಡೆಗೆ ಬಂದಿಲ್ಲ

SRI T. R. SHAMANNA.—I gave it at 11-30 in the Record Room and taken an acknowledgment.

MR. DEPUTY SPEAKER —Our office also tells me that it has not reached them so far. Mr. Shamanna knows the Hon. Speaker and the Secretary of the Legislature. We are here from one O'Clock. He could have sent a copy to any of us. It has not reached us.

SRI M. S. KRISHNAN.—My request is : Let him be allowed to move the amendment as per Rule 86.

MR. DEPUTY SPEAKER.—Hon. member Sri Shamanna may send a copy of his amendment to the Hon. Minister.

Hon. Member Sri T. R. Shamanna has given a notice of an amendment. He seeks to insert a new clause. I have already put clauses 2 and 3 to vote and they have been adopted. I have not put Clause 1 and Preamble and Title to the vote of the House. We have to scrupulously observe the Rules of Procedure. What the hon. member desires is to insert a new clause. If it has the consent of the House, I would permit the hon member to move his amendment. I will have to seek the consent of the House.

SRI M. S. KRISHNAN :—Even according to the rules you are well within your powers to suspend the rule.

MR. DEPUTY SPEAKER : If the house has no objection I would request Mr. Shamanna to move his amendment.

Hon'ble Member's : Yes

SRI T. R. SHAMANNA :—"After clause 2, the following shall be inserted, namely :—

2 A. AMENDMENT OF SECTION 5 OF THE CENTRAL ACT 11 OF 1881.

To Section 5 of the Municipal Taxation Act, 1881 (Central Act 11 of 1881), the following provison shall be added, namely :

'Provided that the sum so determined shall not be less than the tax which the State Government would have otherwise been liable to pay.''

MR. DEPUTY SPEAKAR : Amendment moved;

"After clause 2, the following shall be inserted, namely :

2A. AMENDMET OF SEC. 5 OF THE CENTRAL ACT 11 OF 1881:

To Section 5 of the Municipal Taxation Act, 1881 (Central Act 11 of 1881), the following proviso shall be added, namely :--

'Provided that the sum so determined shall not be less than the tax which the State Government would have otherwise been liable to pay."

MR. T. R. SHAMANNA :— This is a non-controversial Bill. This is a Bill where it is specified that the Military personnel who occupy a property in the Municipal area shall have to be given exemption in paying tax and the Central Government shall have to compensate it. But as far the State Government is concerned it has to pay the tax to the Municipalities on behalf of these military personnel. Of course the Local Bodies are getting assistance from the State Government. But the resources of the local bodies are very much limited. In Bangalore City, a number of houses are there where the military personnel are living. The Municipality is giving service to them as they are giving to other citizens. For the service rendered by the Municipality, tax has to be paid by the citizens. As far as this military personnel if concerned, the State Government has to pay the tax on behalf of these personnel. I am not objecting to the relief giving to the Military Personnel in service. The interests of the Municipality should also be safeguarded. Therefore, according to the Central Act, the State Government may pay an reasonable amount that they may fix for these military personnel. The Central Government will make good to the State Government. Therefore whatever that is due to the City Corporation will have to be paid by the

State Government in the interest of the local body. The Hon. Minister Sri Basavalingappa will certainly agree with me as he is having so much of interest in the affairs of the Municipalities and help the Municipality to augment its funds. I am quite sure he will accept my amendment.

SRI B. BASAVALINGAPPA :--A series of representations have been made to the Government of Mysore for taking necessary steps to make applicable the provisions of Municipal Central Act 11 of 1881 to areas of former 'B' State merged with our State. That is why this Bill has been brought forth and this is the purpose of this Bill. This Act has been in force in other areas of the Mysore State except the former 'B' State *i e.*, the old Mysore area. The purpose of this Bill is to extend the operation of the Central Act to the old area of 'B' State. Nothing beyond this.

Items liable for tax particularly in respect of these Military authorities are: (1) Salary of the personnel (2) Other Taxes for service Officers (3) Tax on animals or Vehicles 3(a) Any animal which is required to be kept by a service personnel, 3(b) Any vehicle that is provided to be kept in lieu of the animal. If these items are taxed, and the Municipality attach any property, the milltary personnel will have to attend the Courts and all that for getting his legitimate duties. Therefore special exemption in favour of these military personnel has been given by the Central Government. But we are not giving all facilities free. Instead of collecting the tax direct from them, we make a bill of whatever amount in the way of tax due to the Municipality by these personnel and send it on to the Central Government for recovery. This is the purpose of this Bill. Now it has been brought before the House to extend the operation of Bill to the former Part 'B' State *i.e.*, the old Mysore area. Unde these circumstances, I do not think the amendment of Sri T. R. Shamanna can be accepted.

SRI T. R. SHAMANNA.— I want to make a definite clarification. Here, the Hon. Minister for Municipal Administration has not read the provisions of the Central Act properly.

MR. DEPUTY SPEAKER:—I am not concerned with that.

SRI T. R. SHAMANNA.— I have gone through the original Act this morning. What the Hon. Minister says is quite different from the Original Act.

MR DEPUTY SPEAKER.— I am not concerned with that. I have understood the point.

SRI T. R. SHAMANNA.—There is no provision to pass this Bill unless he clarifies my point. The Hon. Minister has not understood the provisions of the Original Act.

MR. DEPUTY SPEAKER.—I am not concerned with that I am concerned with putting the amendment and the Bill to the vote of the House.

SRI T. R. SHAMANNA.— You cannot curb me like that. The provisions of the Act are entirely different from what the Hon Minister has stated.

MR. DEPUTY SPEAKER.--I have not got so much power to scrutinise all sorts of things which are yet to be said here. It is not necessary for me. I shall put the amendment as it is to the vote of the House. It is not within my powers to say who is right and who is wrong and to correct somebody's wrong; I am not here as a judge. I need not be enlightened on this matter.

4-00 P. M.

SRI T. R. SHAMANNA.— When a law is passed against the principles of the main Act, we have to oppose it.

SRI M. S. KRISHNAN.—If a law is passed against the very purpose or the principle of the main Act, then we have to point out to you Sir.

MR. DEPUTY SPEAKER.—The law will take care of itself. It is not my concern to probe into all those matters. I have only to put the amendment of Sri Shamanna to the vote of the House.

SRI T. R. SHAMANNA.—I am seeking justice from you when a law of that kind is proposed to be passed.

MR. DEPUTY SPEAKER.—I have understood the confusion in his mind.

SRI T. R. SHAMANNA.—It is not I who is confused but others are confused.

MR. DEPUTY SPEAKER : Hon. member should note that I am not sitting here as a judge to say which is a better law and which is a better way of interpreting things and all that. The Bill has reached the stage of passing and the Hon. Member has given an amendment to the Bill. He has spoken in defence of his amendment. The Hon. Minister has already replied and has stated that he is not in a position to accept the amendment. Now it is my turn to put the amendment to the vote of the House as per the rules. I have not got powers to correct others. If I had powers, I would have done it.

I will put the amendment to the vote of the House. The question is :

"After clause 2, the following shall be inserted, namely :

"2A. Amendment of Section 5 of the Central Act 11 of 1881.—To Section 5 of the Municipal Taxation Act, 1881 (Central Act II of 1881 the following proviso shall, be added, namely :—

'Provided that the sum so determined shall not be less than the tax which the State Government would have otherwise been liable to pay."

The amendment was negatived

Clause 1 etc.,

MR. DEPUTY SPEAKER.— The Question is : "That clause 1, long Title Preamble and Enacting formula do stand part of the Bill."

The motion was adopted

Clause 1, Long Title, Preamble and Enacting formula were added to the Bill

MOTION TO PASS

SRI BASAVALINGAPPA (Minister for Municipal Administration).— I beg to move "that the Municipal Taxation (Mysore Extension) Bill, 1973 be passed.'

MR. DEPUTY SPEAKER.—The question is : "That the Municipal Taxation (Mysore Extension) Bill, 1973, be passed."

The motion was adopted and the Bill was passed

Mysore urban water supply and Drainage Board Bill 1973.

Motion to consider (Debate contd.)

MR. DEPUTY SPEAKER —Now I shall go to the other Bill *viz.*, the Mysore Urban Water Supply and Drainage Board Bill, 1973. This Bill was under discussion during the last session. The Hon, Member Sri Vatal Nagaraj is to continue his speech on this Bill.

SRI M. S. KRISHNAN.—This Bill may be taken up tomorrow for discussion. We can take up the official resolution which is slated for today's discussion.